

R E M A R K S

The Examiner is thanked for the allowance of Claims 15-24. She is also thanked for the indication of allowability of Claims 10-14. Claims 10 and 12 have been rewritten into independent form, and each is believed to incorporate all of the essential subject matter of Claim 1, upon which they had depended. Thus, it is believed that Claims 10-14 are now allowable. Claims 7-9 were not rejected on art, but were rejected under Section 112 as being indefinite. The Examiner thought that the recitation of "a card" in Claim 4 rendered these claims indefinite. A clarification of claim language has been made in Claim 4. In addition, Claim 7 has been rewritten into independent form, and the corrections have also been made therein. Therefore, it is believed that Claims 7-9 are also allowable.

The Examiner rejected Claims 1-6 under Section 102 as being anticipated by Hirshberg who shows a credit card alert system. He has a case 2 with a slot into which a credit card 1 can be inserted. When completed, the credit card holds the contacts 8 and 9 separate. When the credit card is removed, the contacts close. The contacts connect into a


circuit which includes optional time delay 6, battery 7, voice generator 5 and speaker 4. When the credit card is removed, the speaker reminds the user to retrieve his credit card. The credit card holder is normally kept in the user's pocket or wallet.

Claim 1 has been amended to distinguish over this reference. It states that, when a greeting card is retained at the opening, the device is inactive; when the greeting card is removed, a sound consistent with the sentiment of the greeting card is produced. This is absent from Hirshberg. In addition, the claim calls for supporting structure for supporting the body with respect to the gift, which also has sentiment consistent with the greeting card. This supporting structure is absent from Hirshberg, who has no need for a supporting structure, making this opposite from his teaching. He puts his credit card holder in his pocket or wallet. Thus, currently amended Claim 1 is novel with respect to Hirshberg. In addition, it is unobvious from Hirshberg because the claiming of a supporting structure is opposite from the needs and functions of the Hirshberg teaching.

Claim 2 is directed to novel and unobvious structure because it defines the supporting structure as a post on the body. Claim 3 is dependent on Claim 1 and states that one of the faces of the body has the supporting structure thereon. This includes the adhesive species shown in Applicant's FIGURES 7-12. Claim 4 adds the switch to Claim 1. Claim 5 adds the slot to Claim 4. Claim 6 defines the body as being in the form of a flat disc with the opening being a slot in the side wall. This structure is absent from Hirshberg and is unobvious therefrom because these details are directed to a different function than taught by Hirshberg.

Claims 7-24 were not rejected on art, but are now believed to be clarified and structured so that they are now allowable. Claim 1-6 were rejected on art and have been amended and shown to be directed to novel and unobvious subject matter. Reconsideration and allowance is respectfully requested.

Respectfully submitted,


ALLAN M. SHAPIRO
Attorney for Applicant
Reg. No. 18,291

Date: January 26, 2005

18401 Burbank Blvd.
Suite 202
Tarzana, CA 914356-2824

Telephone: (818) 342-9946
Facsimile: (818) 342-9948

kotzin395.amt